

EXHIBIT 5

TO

PLAINTIFF'S STATEMENT OF FACTS

IN SUPPORT OF

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

In The Matter Of:

Martinez vs.

Maricopa County Community College District

Cleopatria Martinez, Ph.D., Vol. II - videotaped

Vol. 2

October 11, 2016

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Cleopatria Martinez,)	
)	
Plaintiff,)	
)	
v.)	No. CV 15-01759-PHX-NVW
)	
Maricopa County Community)	
College District; et al.,)	
)	
Defendants.)	
)	

VIDEOTAPED DEPOSITION OF
CLEOPATRIA MARTINEZ, Ph.D.
VOLUME II (Pages 159 through 292)

Phoenix, Arizona
October 11, 2016
1:01 p.m.

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Prepared by:
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VIDEOTAPED DEPOSITION OF
CLEOPATRIA MARTINEZ, Ph.D., VOLUME II, was taken on
October 11, 2016, commencing at 1:01 p.m., at
FISHER & PHILLIPS LLP, 201 East Washington, Suite 1450,
Phoenix, Arizona, before JANET HAUCK, RPR, a Certified
Reporter, Certificate No. 50522, for the State of Arizona.

APPEARANCES:

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For Defendants:

FISHER & PHILLIPS LLP
Shayna H. Balch, Esq.
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Phoenix, Arizona 85004-2330

Also present:

Jonathan Williams
Certified Legal Video Specialist

1 remember where they were.

2 Q. Okay. But sitting here today at your deposition
3 you're not aware of any changes that you would like to
4 make; is that correct?

5 A. Correct.

6 Q. Dr. Martinez, in your lawsuit you've alleged --
7 actually, strike that.

8 In your complaint are you alleging that you
9 are entitled to emotional distress damages?

10 A. Yes.

11 Q. And what types of emotional distress damages do
12 you allege are attributable to my client, Maricopa County
13 Community College District?

14 A. I don't know. What type?

15 Q. Let me phrase it differently. Are you alleging
16 that you're suffering from certain physical or nonphysical
17 symptoms as a result of Maricopa County Community College
18 District's conduct?

19 A. Yes.

20 Q. What are those? Let's walk through any physical
21 symptoms that you might have first, if any.

22 A. I had a pulmonary embolism, clots in both lungs,
23 and I had amnesia for a day.

24 Q. And you contend that these are both attributable
25 to the conduct of my client, Maricopa County Community

1 governing board, and it's from you. Do you see that?

2 A. Yes.

3 Q. Do you recognize this document?

4 A. Yes.

5 Q. Is this a true and accurate copy of the document
6 that you submitted to the governing board?

7 A. Yes.

8 Q. And is everything that you wrote in here
9 truthful?

10 A. I believe so.

11 Q. So look at that spring 2014 paragraph that's
12 mid-page on 14-6. The last paragraph, the last sentence of
13 that paragraph reads, "In April 2014 the chancellor revised
14 the suspension without pay date to be effective April 15,
15 2014, until August 2015." Do you see that?

16 A. Yes.

17 Q. And that was a truthful statement on your part,
18 right?

19 A. I believe so.

20 Q. So would you agree that the District, following
21 your March 7, 2014 meeting, revised the effective date of
22 your suspension without pay to April 15th, 2014?

23 A. Was the meeting March 7th or March 6th? Because
24 it says March 6th on this document.

25 Q. The records that I have shows March 7th. That

1 is a confirmation from your attorney in which your attorney
2 stated that March 7th was the soonest that you could meet
3 with the District. But regardless of whether or not it was
4 March 6th or 7th, isn't it true that after that meeting
5 that occurred the first week of March, that the District
6 moved the effective date of your suspension without pay
7 from March 1st, 2014, to approximately a month and a half
8 later, April 15th, 2014?

9 A. Well, that's what I believed happened. I don't
10 know what actually happened, but that's what I think
11 happened, because also I had -- I thought it was March 6th
12 in this document, so -- but that's what I was thinking was
13 true, so I wrote it. And then I wrote it, but I don't know
14 what actually happened.

15 MS. BALCH: Final exhibit to your
16 deposition. It's going to be Exhibit 23.

17 (Exhibit 23 was marked.)

18 Q. BY MS. BALCH: You've been handed what's been
19 marked as Exhibit 23 to your deposition. This document is
20 your answers to the District's first set of
21 interrogatories. This was prepared by your counsel, your
22 current counsel, Edmundo --

23 MS. BALCH: Counsel, how do you pronounce
24 the last name?

25 MS. MARTON: Robaina.

1 MS. BALCH: Robaina. I do not want to
2 mispronounce that. So Edmundo Robaina.

3 Q. BY MS. BALCH: I want you to flip to nearly the
4 end of this document. It's going to be page 14. And the
5 interrogatory number 9 asks for a calculation of a salary
6 and/or benefits you claim you lost as a result of
7 defendant's actions. I want you to read through this
8 response and let me know whether or not this is correct.
9 And these are the amounts in salary and/or benefits that
10 you were claiming that you lost as a result of my client's
11 actions.

12 A. And do you want me to tell you what?

13 Q. Confirm whether or not this is the value of your
14 salary and/or benefits. This is prepared by your counsel.

15 A. I think it's correct.

16 Q. So the value of your lost salary and benefits is
17 calculated at approximately \$179,819; is that correct?

18 A. Yes.

19 Q. For a 16-month suspension?

20 A. Yes.

21 Q. You're also claiming that you had to pay for
22 health benefit coverage during the time of your suspension?

23 A. Yes.

24 Q. Is this a correct figure is the amount of money
25 that you had to pay in health benefits, \$6,658?

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1 A. Health benefit coverage, yes.

2 Q. Where did you secure health plan insurance
3 through?

4 A. COBRA.

5 MS. BALCH: That is all I have.

6 MS. MARTON: Great, thank you.

7 THE VIDEOGRAPHER: This concludes the
8 deposition of Cleopatria Martinez. Off the record at
9 5:16 p.m.

10 (The deposition adjourned at 5:16 p.m.)

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